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APPLICATION NO.	FILING DA	ATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/646,793	0/646,793 08/25/2003		I-Horng Pan	PANI 3001 / EM	1239
23364	7590 00	6/29/2005 .		EXAM	INER
	THOMAS, PL	LEITH, PATRICIA A			
625 SLATERS LANE FOURTH FLOOR				ART UNIT	PAPER NUMBER
- ·	IA, VA 22314	<b>1</b>		1655	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/646,793	PAN ET AL.
		Examiner	Art Unit
		Patricia Leith	1654
Period fo	- The MAILING DATE of this communication app	pears on the cover sheet with the	correspondence address
A SHO THE N - Extens after S - If the p - If NO - Failure Any re	DRTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.15 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing dipatent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be to y within the statutory minimum of thirty (30) dawill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONI	mely filed  ys will be considered timely.  n the mailing date of this communication.  ED (35 U.S.C. § 133).
Status			
2a)⊠ 3)□	Responsive to communication(s) filed on <u>15 A</u> .  This action is <b>FINAL</b> . 2b) This Since this application is in condition for alloward closed in accordance with the practice under E	action is non-final.  nce except for formal matters, pr	
Disposition	on of Claims		
5)□ 6)⊠ 7)□	Claim(s) 1-29 is/are pending in the application (a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed.  Claim(s) 1-29 is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or contents.	wn from consideration.	
Application	on Papers		
10)□ 7	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc acc applicant may not request that any objection to the Replacement drawing sheet(s) including the correct the oath or declaration is objected to by the Example 2.	epted or b) objected to by the drawing(s) be held in abeyance. Selion is required if the drawing(s) is old	ee 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d).
Priority u	nder 35 U.S.C. § 119		
12)	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau ee the attached detailed Office action for a list	s have been received. s have been received in Application rity documents have been receiv u (PCT Rule 17.2(a)).	tion No red in this National Stage
2) Notice 3) Inform	(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D  5) Notice of Informal 6) Other:	• •

## **DETAILED ACTION**

Claims 1-29 are pending in the application and were examined on their merits.

## Claim Rejections - 35 USC § 112

Claims 1-29 remain rejected under 35 U.S.C. 112, first paragraph for the reasons of record.

Applicant's arguments were fully considered but found persuasive only in part.

Applicant has amended claims to delete 'and herbs of the same genus'.

However, Applicant has not limited claim 1 to recite the particular species of Artemisiae such as A. Annuae, a species of G. fructus or a species of R. rhizoma. It is noted that A. cappilaris, G.fructus and R. rhizoma are all respective genus. As it was established in the previous Office Action, the claims are enabled with regard to the species which were found in the Specification to actually work.

A suggestion for rewriting the claim to overcome this rejection is:

1) A process for preparing a composition used for treatment of a human liver, comprising the following steps:

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(a) grinding Artemisiae and Gardeniae, mixing then with pure water.....

(b)...

(c)...

(d)...

wherein said Artemisiae is selected from the group consisting of Artemisiae
Capillaris, Artemisiae scopariae and Herba Artemisiae annuae; wherein said Gardeniae
is selected from the group consisting of Gardenia jasminoides and Gardenia radicans;
and wherein said Rhei rhizoma is selected from the group consisting of Rheum
officinalis and Rhubarb Shui-Ken.

No Claims are allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached from 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia Leith Primary Examiner Art Unit 1654

6/27/05